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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,415	04/20/2004	Joseph M. Cannon	CANNON 129-114-79	2579

7590 04/21/2006

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EXAMINER

VU, MICHAEL T

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/827,415	Applicant(s) CANNON ET AL.	
	Examiner Michael Vu	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4/20/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 04/20/2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23-25, 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Will (US 5,892,817) in view of Mitchell (US 5,966,671).

Regarding **claims 23, 25 and 28**, Will teaches a telephone answering device (C2, L30-59) comprising: (C4, L18-33); a wireless piconet front end (Fig. 1-6, Wireless Unit #7-8); and a monitoring module to determine a presence of a monitored person within a monitored area (C2, L30-67 to C3, L133), the monitoring module determining a

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presence of a user of the telephone answering device when a piconet device uniquely associated with the user is present in a piconet including the wireless piconet front end of the telephone answering device (Fig. 1-6, C2, L30-67 to C3, L1-33); wherein the telephone answering device automatically answers an incoming call when the monitoring module determines that the user is not present, and allows additional rings when the user is present (C2, L30-67 to C3, L1-33), **but is silent on** a digital answering machine.

However, Mitchell teaches a transceiver processes the radio frequency RF signals. The information received by the communication device's antenna enters receiver in which demodulates. The communication device may optionally include a message receiver and storage device 530 including digital signal processing means. The message receiver and storage device could be, for example, a digital answering machine or a paging receiver (Fig. 5, C4, L18-33).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Will, such that a digital answering machine, to store the incoming called message.

Regarding **claim 24**, Will/Mitchell teach the telephone answering device according to claim 23, further comprising: a wireless piconet entrance/exit monitor in communication with the telephone answering device determining a presence of the user based on a physical movement of a personal wireless piconet identifying device worn by the user (Fig. 1-6, C2, L30-67 to C3, L1-33) of Will.

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5. Claims 26-27, 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Will/Mitchell in further view of Anderson (US 6,594,370).

Regarding **claim 26, 27, 29 and 30**, Will/Mitchell teach the method of automatically answering a telephone call according to claim 25, further comprising: implementing the piconet communications device **but is silent on** with jewelry worn by the user.

However, Anderson teaches a wireless personal communication system includes jewelry such as an earpiece, wristwatch, and purse worn by a user (C1, L26-41, C2, L51-67 to C3, L1-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Will/Mitchell, such that with jewelry worn by the user, to have a capability to communicate wirelessly.

Response to Arguments

The Examiner appreciates Applicant's request for clarification of previous Office Action. The Examiner apologizes for the confusion created by the way the rejection was written. Present Office Action now addresses all pending claims. For a detailed consideration see above.

6. Applicant's arguments with respect to claims 23-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Vu whose telephone number is (571) 272-8131.

The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Michael T. Vu


ELISEO RAMOS-FELICIANO
PRIMARY EXAMINER